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RELATIONS COMMISSION

5 April 2005

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DIVISION OF LABOR STANDARDS

Labor and Industrial Relations Commission  
POB 599  
Jefferson City 65102-0599

Re: Objection to Wage Order No. 12

Please accept this objection to Annual Wage Order No. 12 which will be used to set Prevailing Wages Requirements for workers on public funded projects.

Basis for Objection: Failure of the Missouri Division of Labor to perform due diligence in obtaining prevailing wages for counties in S. W. Missouri. Chapter 290, Section 290.262 of the Missouri Revised Statutes requires the department to annually investigate and determine the prevailing hourly rate of wages in each locality for each separate occupational title. In determining prevailing rates the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements AND the rates that are paid generally within the locality.

There are no specific procedures for the manner and method of collecting local wage rates not part of any collective bargaining agreement. It is the duty and obligation of the Missouri Division of Labor and its Director to establish and control such investigations.

When the Division was called and asked to provide specific examples of due diligence in manner and method of collecting data, the response was 'we have reports from the union' 'we put on seminars to various construction associations' and the reporting of wages and benefits is a voluntary act and they have no control over who reports wages. They could provide no specific instances of any effort made to contact employers in specific counties to learn the true local prevailing wages. Putting on a seminar for the Springfield Contractors Association every four or five years is a complete waste of time and effort. It is rare that decision making members who have control on submitting wage reports will be in attendance. In fact the majority of the personnel attending are salesman entertaining each other.

It is my contention that all Prevailing Wage Reports such as Form WH-347 cannot and should not be considered in determining LOCAL wages. They are the result of flawed prior reporting years and in no way reflect the true prevailing wages within a particular county. A recent request for a summary report on wages submitted in and for 37 counties for the occupational title of Operator (Building Trades) revealed no reports from 28

counties. Wage reports for the other counties may have been submitted by the union. Any report of wages submitted by a "Union" must be considered "Tainted" since they have their own motives to control wages and benefit reports. A simple example of this would be the fact that one employer signatory to the operating engineers local 101 in SW Missouri has over 37,000 employee hours that they could and should have submitted. They were well aware of the fact that these employees and their hours were below the arbitrary figure they set for prevailing wages. The real hours and benefits paid to those employees should have been submitted by the union for both heavy highway and building but they made the decision to withhold that information from the Division of Labor in order to influence the final wage determination.

There should be no distinction in the classification of operating engineers with respect to work performed under heavy highway, building or residential. This is based on the fact that the position of the Union is an operator is an operator is an operator regardless of what he is doing. A machine does not know if it is working for a residential contractor or highway contractor. There have been numerous repeated attempts to obtain wage or benefit relief for work performed in the residential sector. The union has refused. Since they cannot demonstrate a wage or benefit difference then common sense dictates all hours worked by any and every contractor be considered equally when establishing local prevailing wages.

This objection is made specifically in regards to the job classification 'Operator' and the work performed in the following counties: Barton, Barry, Cedar, Camden, Christian, Dade, Dallas, Douglas, Greene, Hickory, Jasper, Lawrence, LaClede, McDonald, Newton, Ozark, Polk, St Clair, Stone, Taney, Vernon, Webster and Wright. However objection is also made to the entire process, method, and manner in which data is collected by the Division of Labor for all areas within the State of Missouri.

I certify that a copy of my objection has been provided to the Division of Labor Standards, P.O.B. 449, Jefferson City MO 65102-0449.

I certify that a copy of my objections has also been provided to the Secretary of State and the Governors Office, State of Missouri.



Mike Cook  
5358 S Cedar Meadow Lane  
Springfield MO 65804